

E.D.N.Y. **BRM**  
Korman, C.J.**MANDATE****United States Court of Appeals**  
FOR THE  
**SECOND CIRCUIT**

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, at Foley Square, in the City of New York, on the 12<sup>th</sup> day of September two thousand and three,

Present:

Hon. Jon O. Newman,  
Hon. Sonia Sotomayor,  
*Circuit Judges.*

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William M. Pabon,

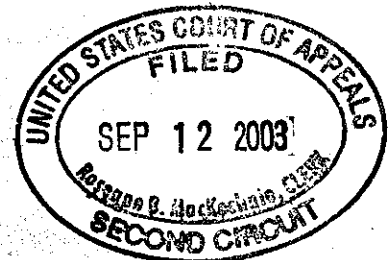
Petitioner-Appellant,

v.

Christopher Artuz,

Respondent-Appellee.  

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03-2239

**FILED**IN CLERKS OFFICE  
U.S. DISTRICT COURT ED. N.Y.

★ MAR 15 2004 ★

P.M. \_\_\_\_\_  
TIME A.M. \_\_\_\_\_

Appellant, *pro se*, moves for a certificate of appealability. Upon due consideration, it is ORDERED that the motion is denied and the appeal is dismissed. Appellant's habeas corpus petition was untimely filed. See 28 U.S.C. § 2244(d)(1).

FOR THE COURT:  
Roseann B. MacKechnie, ClerkA TRUE COPY  
ROSEANN B. MacKECHNIE, CLERK

By:

  
Olivia M. George, Deputy Clerk

\* The Honorable Richard C. Wesley has recused himself. Accordingly, the matter is decided by the remaining panel members. See 2D CIR R. 0.14(b).

SAO:AT

12 2003,

ISSUED AS MANDATE:

MAR 3 2004